



PROFESSIONAL ENGINEERS  
IN CALIFORNIA GOVERNMENT



February 8, 2007

Tami Bogert-Yuill  
General Counsel  
Public Employment Relations Board  
1031 18<sup>th</sup> Street  
Sacramento, CA 95814-4174

Re: Proposed Revisions to Agency Fee Regulations - February 8, 2007 Hearing

Dear Ms. Bogert-Yuill:

Thank you for the opportunity to comment on PERB's proposed revisions to its agency fee regulations. I offer the following brief comments on behalf of PECG - State Bargaining Unit 9 and CAPS - State Bargaining Unit 10. PECG and CAPS participated in the workshop discussions and believe the proposed regulations are on target with two minor clarifications.

**Proposed 32992<sup>y</sup>(a)** appears to define an agency fee challenger as one who "disagrees" with the chargeable calculation. As the remainder of the regulations contemplate the filing of a fee challenge within a challenge period of no less than 30 days, the text of 32992<sup>y</sup>(a) should be amended. The definition should be amended to reflect that an agency fee challenger is one who disagrees with the exclusive representative's determination of the chargeable expenditures in the agency fee amount and who files a timely agency fee challenge with the exclusive representative.

**Proposed 32994(b)(1)** provides that an agency fee challenge shall be filed with an official of the exclusive representative who has the authority to resolve agency fee challenges. Only the Boards of Directors of PECG and CAPS have the ability to resolve an agency fee challenge in lieu of proceeding to arbitration. This section should be amended to state that the challenge should be filed with the exclusive representative as reflected in the annual notice. This could be done by removing the words "an official" from the proposed text.

Thank you for your consideration of these comments.

Very truly yours,

Gerald James  
PECG and CAPS Counsel